

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 1	Number 19	Effective Date 01/09/12	Review Date 2015
Subject ACCIDENT REVIEW BOARD (ARB)			☐ New Order ☒ Replaces G.O. 1-19, (10/01/08)
References CALEA 61.2.4 VLEPSC PER.09.02a and PER.09.05			
 Chief of Police or Designee		01/09/12 Date	

I. PURPOSE

The purpose of this directive is to describe the functions and composition of the Accident Review Board (ARB).

II. POLICY

It is the policy of the Richmond Police Department to ensure that all of its employees maintain the highest degree of both professional and personal conduct and integrity toward citizens as well as other Department members in the performance of their duties and responsibilities. The ARB may convene to review incidents, pursuits and loss or damage involving the Richmond Police Department's property as directed by the Chief of Police. All Department members may be subject to serve on a review board.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this General Order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. PROCEDURE**A. General Information:**

The ARB shall review incidents, as directed by the Chief of Police, involving Richmond Police Department employees and/or equipment resulting in either loss or damage to equipment/vehicles or injuries to employees. The ARB shall be established and shall advise the Chief of Police regarding whether such incidents

occurred within (henceforth referred to as “In Policy”) or outside (henceforth referred to as “Out of Policy”) the Richmond Police Department’s General Orders and state, federal and local laws, especially those concerning the operation of a vehicle in emergency situations.

B. The primary objectives of the ARB are as follows:

1. To review accidents or property loss/damage involving Department members, equipment and property;
2. ***To review vehicle pursuits involving Department members;***
3. To communicate safety issues and problems to the Officer-In-Charge (OIC) of the Training Division or any other applicable division, to enable corrective, ***remedial or additional training*** take place;
4. To determine whether an act or circumstance involving a Department member is within or not within the norms of driving principles and practices, appropriate federal, state and local motor vehicle laws, or “In Policy” or “Out of Policy”; and,
5. To forward all findings of “Out of Policy” incidents, to the ***Disciplinary Review Office*** for possible disciplinary measures or corrective actions.

C. Composition of the Accident Review Board:

1. The ARB is a panel consisting of both Department and citizen members. It will consist of up to ***four (4)*** voting members.
2. The Board’s Chairperson, the Captain of Special ***Operations*** Division (***SOD***) or designee, shall ensure that all ARB members are notified of each meeting and shall convene the ARB’s meetings. The Richmond Police Department’s Safety Officer will serve as support staff to the Board. The Board’s membership will consist of the following:
 - a. Captain of Special ***Operations*** Division, Chairperson;
 - b. Traffic Lieutenant shall be designated Acting Chairperson when the Chairperson is unavailable;
 - c. Administrative Traffic Sergeant (who shall retain all records);
 - d. Police Department’s Safety Officer – (ex-officio non-voting member);
 - e. Administrative General Counsel Sergeant (who shall present pursuits and serve in a non-voting capacity); and,
 - f. A citizen member (graduate of the Citizen’s Police Academy). The citizen member shall not be ***an*** employee of the Richmond Police Department and will receive an orientation about the review board and the applicable Departmental policy.

3. Prior to serving on the ARB, citizen members shall execute, under oath, a declaration on a form prescribed by the Department that the citizen member has no financial or personal interest in the proceedings before the Accident Review Board on which that citizen is participating.
 4. In no event shall the number of citizen members sitting on the ARB exceed the number of Richmond Police Department members on the board.
 5. No member of any ARB shall disclose to any person the matters or individuals discussed or the advice given by such board, except with the expressed written consent of the Chief of Police or designee.
 6. The presiding officer may request additional investigative data containing specific details prior to or during the hearing, and in addition, may require other Department members to appear as witnesses.
 7. The Administrative ***Traffic*** Sergeant will maintain the relevant records and submit written reports ***of police vehicle accidents*** of the ARB's "Out of Policy" findings to the ***Disciplinary Review Office*** and "In Policy" findings to the Fleet Officer. ***The Administrative Traffic Sergeant also will forward all training issues to the OIC of the Training Division and advise the Training Division's personnel when specific instances or general trends indicate a need for additional training.***
 8. ***The Administrative General Counsel Sergeant will maintain pursuit records, to include "In Policy" findings, and submit written reports of the ARB's "Out of Policy" findings to the Disciplinary Review Office.***
- D. Meetings of the Accident Review Board:
1. The board will meet at least once a month when there are cases pending or more frequently, if necessary. The ARB meeting time and dates shall be scheduled for the calendar year and posted on the Department Calendar.
 2. The Chairperson of the ARB or his/her designee shall ensure that the involved employee is notified, in writing, at least ten (10) calendar days prior to the board meeting as to the following: the date, time and place of the board meeting, board members scheduled to attend on that date and the incident involved.
 3. The involved Department member shall have the option to waive his/her appearance at the Accident Review Board hearing by completing a PD-26 form, Attendance at Accident Review Board form, and submitting the form with the original incident package.
 4. If the Department member elects to appear, someone of his/her own choosing (not an attorney) may accompany the employee as support but the individual may not question, comment or otherwise participate in the proceedings, unless appearing as a witness.

5. If requested, the involved employee may review the materials at least three (3) days prior to the board meeting. The involved Department member shall have the right to appear at the proceedings of the board.
 6. The Chairperson of the ARB will ensure that the written materials, diagrams and charts relating to the incident are copied before the meeting. The copies will be made available for review by the members.
 7. The board shall hear the circumstances surrounding the incident from both sides and may interview any/all witnesses necessary to make a recommendation.
 8. Non-board members will be excused so that the board can deliberate to reach a majority recommendation.
 9. The following question must be answered when an incident is under review:

“Did the incident indicate a need for change(s) to the Department’s written directives, policies or training procedures?”
 10. After a majority recommendation has been achieved, ***a PD-121a, Case Disposition Form for the ARB, shall be completed. The PD-121a shall document the following:***
 - a. ***Case;***
 - b. ***Date of Board Review;***
 - c. ***Board Member printed names;***
 - d. ***Board Decision;***
 - e. ***Summary of Violation and Violation Committed, if applicable; and,***
 - f. ***Chairman’s or designee’s signature and Date.***
 11. All investigative materials and notes will be returned to the Chairperson. Those copies are confidential and will be destroyed after the meeting has adjourned. An original shall be maintained and forwarded to the appropriate destination.
- E. Procedure for Reportable and Non-Reportable Accidents:
1. If the accident is “NON-REPORTABLE” (Both, less than \$1,000 in damage and no injury) and the officer involved elects either to waive the hearing or chooses not to appear, the Traffic Lieutenant will review the case and, if no change is warranted in the investigative supervisor’s recommendation, the package will be signed off by the Chairperson and any “Out of Policy” case findings will be submitted to the Office of Professional Responsibility and “In Policy” case findings will be submitted to the Fleet Officer.
 2. If there is an injury, even though the accident may have resulted in only a few dollars in damage, it is still “REPORTABLE” and the accident must be heard by the full ARB.

V. FORMS

- A. PD-26, Attendance at Accident Review Board
- B. *PD-121a, Case Disposition Form for the Accident Review Board*
- C. Incident Based Report (IBR)